IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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LARRY D. THOMAS,

  Plaintiff,

-vs-

R. JAMES NICHOLSON, SECRETARY,
DEPARTMENT OF VETERANS
AFFAIRS,

  Defendant.

2005 AUG 30 P

DEBRA P. HACKETT,
U.S. DISTRICT COURT

Case No. 2:05-CV-437-T

REPORT OF RULE 26(F) PARTIES' PLANNING MEETING

Pursuant to Fed.R.Civ.P. 26(f), a meeting was held between counsel for the parties on the 30th day of August 2005, and now counsels submit the following Report of that meeting to the Court for its consideration.

1. The meeting was attended by:

 a. Juraldine Battle-Hodge for the Plaintiff;

 b. R. Randolph Neeley for the Defendant.

2. Pre-discovery disclosures. The parties will exchange by September 15, 2005, the information required by Local Rule 26.1(a)(1).

3. Discovery Plan: The parties jointly propose to the Court the following discovery plan:

 a. Discovery will be needed on the following subjects: all matters raised in the Complaint, any amendments to the Complaint and any Answer;

 b. All discovery commenced in time to be completed by September 7, 2006;

 c. Maximum of 25 interrogatories by each party to any other party. Responses due 30 days after service;

 d. Maximum of 30 requests for production by each party to any other party. Responses due 30 days after service;

 e. Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service;

 f. Maximum of 10 depositions by Plaintiff and 10 depositions by Defendant, unless

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otherwise agreed to by the parties;

g. Each deposition, other than that of the parties, limited to a maximum of 7 hours, unless otherwise agreed to by the parties. Parties' depositions limited to a maximum of 7 hours, unless otherwise agreed to by the parties;

h. Reports from retained experts under Rule 26(a)(2) due:

   I.   from Plaintiff by January 15, 2006; and
   ii. from Defendant by February 15, 2006; and

I. Supplementations under Rule 26(e) a reasonable time after discovery.

4. Other matters.

   a. The parties do not request a conference with the Court before entry of the Scheduling Order;

   b. Plaintiffs should be allowed until February 15, 2006 to amend the pleadings as allowed by this Court;

   c. Defendant should be allowed until March 15, 2006 to amend the pleadings as allowed by this Court;

   d. All potentially dispositive motions should be filed by May 3, 2006;

   e. Settlement cannot be realistically evaluated prior to August 18, 2006;

   f. The parties request a final pretrial conference in August, 2006;

   g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

      I.   from Plaintiff: 30 days before trial; and
      ii. from Defendant: 30 days before trial.

   h. Parties should have until no less than 14 days prior to trial to list objections to witnesses and exhibits under Rule 26(a)(3); and

   I. The case should be ready for trial by October 2, 2006, and is expected to take approximately 2-3 days.

Plaintiff's counsel has not suggested ADR. At this point, Defendant is not inclined to attempt ADR. The positions of the parties may change over the coming weeks or months. The parties will inform the Court in a timely manner as to any change in either of their respective positions regarding ADR.

Submitted this the 30th day of August, 2005.

LARRY D. THOMAS,
Plaintiff,

By: _____
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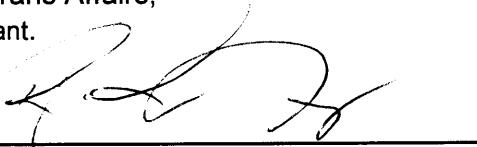
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